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19 *Attorneys for Plaintiffs Fir Tree, Capital Management LP*  
20 *(f/k/a Fir Tree Inc.) d/b/a Fir Tree Partners*

21 **UNITED STATES DISTRICT COURT**  
22 **DISTRICT OF NEVADA**

23 FIR TREE CAPITAL MANAGEMENT LP  
24 (f/k/a FIR TREE INC.) d/b/a FIR TREE  
25 PARTNERS,

26 Plaintiffs,

27 v.

28 COMPARTMENT IT2, LP,  
COMPARTMENT IT5, LP,  
COMPARTMENT IT9, LP, and  
MFAM MOBILFUNK ASSET  
MANAGEMENT GMBH

Defendants.

CASE NO.: 2:18-cv-00773-JAC-VCF

**STIPULATION RE: AMENDED  
COMPLAINT, WITHDRAWAL OF  
DEFENDANTS' MOTION TO DISMISS,  
AND BRIEFING SCHEDULE ON  
DEFENDANTS' MOTION TO DISMISS**

ECF Nos. 11, 29

Pursuant to LR IA 6-2 and Rule 15(a)(2), Plaintiff Fir Tree Capital Management LP (f/k/a  
Fir Tree Inc.) d/b/a Fir Tree Partners ("Plaintiff") and Defendants Compartment IT2, LP,

1 Compartment IT5, LP, Compartment IT9, LP, and MfAM Mobilfunk Asset Management GmbH  
2 (“Defendants”), by and through their respective attorneys of record, stipulate as follows:

3 1. On April 27, 2018, plaintiff Fir Tree Capital Management LP (f/k/a Fir Tree Inc.)  
4 d/b/a Fir Tree Partners (“Plaintiff”) filed the complaint in this action (ECF No. 1).

5 2. On November 9, 2018, defendants Compartment IT2, LP, Compartment IT5, LP,  
6 Compartment IT9, LP and MfAM Mobilfunk Asset Management GmbH (collectively,  
7 “Defendants”) filed a motion to dismiss the complaint (ECF No. 11).

8 3. On November 16, 2018, pursuant to a *Stipulation and Order to Extend Deadlines*  
9 *for Response and Reply Briefs Re: Defendants’ Motion to Dismiss*, the Court granted Plaintiff an  
10 extension from November 23, 2018 to Monday, December 10, 2018 to file a response to the  
11 Motion to Dismiss, and granted Defendants an extension from December 17, 2018 until  
12 December 20, 2018 to file their reply brief in support of the Motion to Dismiss. *See* ECF No. 16.

13 4. On December 5, 2018, pursuant to a second *Stipulation and Order to Extend*  
14 *Deadlines for Response and Reply Briefs Re: Defendants’ Motion to Dismiss*, the Court granted  
15 Plaintiff another extension from December 10, 2018 to December 17, 2018 to file a response to  
16 the Motion to Dismiss, and granted Defendants an extension from December 20, 2018 until  
17 January 4, 2019 to file their reply brief in support of the Motion to Dismiss. *See* ECF No. 17.

18 5. On December 17, 2018, Plaintiff filed a response to Defendants’ motion to  
19 dismiss.  
20

21 6. On December 27, 2018, pursuant to a third *Stipulation and Order to Extend*  
22 *Deadlines for Reply Brief In Support of Defendants’ Motion to Dismiss*, the Court granted  
23 Defendants another extension from January 4, 2019 to January 18, 2019 to file a reply brief in  
24 further support of the Motion to Dismiss to allow the parties to address the process of filing in this  
25  
26  
27  
28

1 court a related action that was then pending in the New York Supreme Court, entitled *Fir Tree*  
2 *Capital Management LP, et al. v. Compartment IT2, LP, et al.*, Index No. 652091/2018 (Supreme  
3 Court, County of New York) (“New York Action”). *See* ECF No. 25.

4  
5 7. On January 4, 2019, the Parties entered into a *Stipulation and Order of*  
6 *Discontinuance Without Prejudice* in the related New York action, (“New York Stipulation”),  
7 wherein Plaintiff in this action, along with Fir Tree Capital Opportunity (LN) Master Fund, L.P.  
8 and Fir Tree REF III Tower LLC, agreed to voluntarily discontinue the New York Action without  
9 prejudice and to file their claims arising out of or relating to Defendants’ “Acknowledgement and  
10 Consent — Financing Transaction” dated August 1, 2013 (the “Consent”) in the United States  
11 District Court for the District of Nevada, subject to the conditions in the New York Stipulation.

12  
13 8. By this Stipulation, the Parties hereby reaffirm their statements in the New York  
14 Stipulation and further stipulate and agree as follows:

- 15 a. Defendants’ pending motion to dismiss (ECF No. 11) is hereby withdrawn,  
16 without prejudice;
- 17 b. Plaintiff shall file an amended complaint on or before January 31, 2019;
- 18 c. Defendants shall file any motion to dismiss the amended complaint on or  
19 before March 4, 2019.
- 20 d. Plaintiff shall file any response to the motion to dismiss on or before April  
21 5, 2019.

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24 ///

25 ///

e. Defendants shall file any reply brief in further support of the motion to  
dismiss on or before April 19, 2019.

Dated: January 14, 2019

**HOLLAND & HART LLP**

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**ORDER**

IT IS SO ORDERED. The Motion to Dismiss [11] is DEEMED WITHDRAWN; plaintiff has until 1/31/19 to file an amended complaint; any motion to dismiss the amended complaint must be filed by 3/4/19, any opposition to that motion must be filed by 4/5/19; and any reply is due 4/19/19.

  
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U.S. District Judge Jennifer A. Dorsey  
Dated: January 14, 2019